

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1412 - HB 1579

March 11, 2021

SUMMARY OF BILL: Requires a penal institution, correctional facility, detention center, or county jail to use the least restrictive restraints necessary on a pregnant inmate when the facility has actual or constructive knowledge that the inmate is pregnant. Outlines restraints and control techniques that are prohibited. Prohibits correctional staff from being present in the delivery room during the birth of a baby unless requested by the medical staff supervising the delivery. Requires a correctional institution to provide postpartum inmates access to breast pumps at regular intervals for a period of six months from giving birth. Requires the Department of Health (DOH) to provide breast pumps to pregnant inmates free of charge. Requires a correctional institution to provide sanitary storage for an inmate's breastmilk. Requires a correctional institution to allow for visits to enable breastfeeding of the inmate's child or to allow for the timely collection of breast milk expressed by the inmate for the child by the inmate's family, relatives, or other designated individuals. Prohibits solitary confinement for pregnant inmates and inmates who have given birth within the past eight weeks.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$42,800/FY21-22
\$38,800/FY22-23 and Subsequent Years**

**Increase Local Expenditures – \$266,000/FY21-22*
\$76,000/FY22-23 and Subsequent Years***

Assumptions:

- Based on information previously provided by the Department of Correction (DOC), the Department has policies in place for the care of pregnant inmates, including the use of restraint devices and health services for females. Any impact to the Department resulting from revising policies, other than a policy for the expressing of breast milk, from the proposed legislation is estimated to be not significant.
- The DOC houses women in the Debra Johnson Rehabilitation Center and the Women's Therapeutic Residential Center.
- There has been an average of 19 DOC inmate pregnancies over the last three years.
- This analysis estimates an average of 15 state inmates per year will express breast milk.
- The proposed legislation will require DOC to purchase refrigerators and retrofit a space for the two locations housing women to express breast milk and store expressed breast milk. The one-time increase in state expenditures in FY21-22 associated with

refrigerators and retrofitting is estimated to be \$4,000 (\$2,000 per state correctional facility x 2 facilities).

- DOC will be required to supply breast milk storage bags and cleaning supplies. The recurring increase in state expenditures associated with supplies is estimated to be \$6,000 (\$3,000 per state correctional facility x 2 facilities).
- The proposed legislation requires DOH to provide breast pumps to inmates. Breast pumps will be required to be replaced annually.
- The recurring increase in state expenditures to provide breast pumps to DOC inmates is estimated to be \$2,400 (\$160 per pump x 15 inmates).
- The recurring increase in state expenditures for DOH to provide two breast pumps each year in each county jail is estimated to be \$30,400 (\$160 per pump x 95 county facilities x 2 per county).
- The proposed legislation will require local jails to purchase refrigerators and necessitate retrofitting in each county to express breast milk and store expressed breast milk. The mandatory one-time increase in local expenditures in FY21-22 associated with refrigerators and retrofitting is estimated to be \$190,000 (\$2,000 per county facility x 95 county facilities).
- The mandatory recurring increase in local expenditures to provide breast milk storage bags and cleaning supplies to inmates is estimated to be \$76,000 (\$800 per county facility x 95 county facilities).
- The total increase in state expenditures in FY21-22 is estimated to be \$42,800 (\$4,000 + \$6,000 + \$2,400 + \$30,400).
- The total recurring increase in state expenditures in FY22-23 and subsequent fiscal years is estimated to be \$38,800 (\$6,000 + \$2,400 + \$30,400).
- The total mandatory increase in local expenditures in FY21-22 is estimated to be \$266,000 (\$190,000 + \$76,000).
- The total recurring mandatory increase in local expenditures in FY22-23 and subsequent fiscal years is estimated to be \$76,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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